

Regular Session, 2009

HOUSE BILL NO. 644

BY REPRESENTATIVES TALBOT, LABRUZZO, LIGI, LOPINTO, AND WILLMOTT
AND SENATORS APPEL, MARTINY, AND MORRELL

PARISH/JEFFERSON: Provides relative to enforcement of local building and property ordinances by adding to tax rolls

1 AN ACT

2 To enact R.S. 33:1236(49)(f), relative to Jefferson Parish; to provide for the enforcement of
3 local building and property law and ordinance violations by adding judgments for
4 such violations to the ad valorem tax rolls of the parish or municipalities therein; to
5 provide for the adoption of ordinances and procedures for adding judgments to the
6 ad valorem tax rolls; to provide for collection and enforcement of said judgments;
7 to provide for a designated proper party defendant in actions to contest the levy; to
8 provide for the continued enforceability of such judgments; and to provide for related
9 matters.

10 Notice of intention to introduce this Act has been published
11 as provided by Article III, Section 13 of the Constitution of
12 Louisiana.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 33:1236(49)(f) is hereby enacted to read as follows:

15 §1236. Powers of parish governing authorities

16 The police juries and other parish governing authorities shall have the
17 following powers:

18 * * *

1 (49)

2 * * *

3 (f)(i) Notwithstanding any other provision of law to the contrary, if the
4 owner of any lot containing a derelict building, dwelling, or other structure fails to
5 repair or demolish any such building, dwelling, or structure as required by an order
6 or judgment from a court of competent jurisdiction, all contempt fines, other fines,
7 and court costs charged to such owner for failure to comply with such order or
8 judgment may be added to the ad valorem tax bills by the governing authorities of
9 the parish of Jefferson and the municipalities therein in accordance with the
10 provisions of this Subparagraph.

11 (ii) Notwithstanding any other provision of law to the contrary, if the owner
12 of any lot containing a zoning, property maintenance, or other ordinance violation
13 or violation of state law relative to the property fails to remedy the violation as
14 required by an order or judgment from a court of competent jurisdiction or as a result
15 of an administrative adjudication hearing, all contempt fines, other fines, and court
16 costs charged to such owner for failure to comply with such order or judgment may
17 be added to the ad valorem tax bills by the governing authorities of the parish of
18 Jefferson and the municipalities therein in accordance with the provisions of this
19 Subparagraph.

20 (iii) The governing authorities of the parish of Jefferson and the
21 municipalities therein may adopt ordinances establishing procedures governing the
22 placement of contempt fines, other fines, and court costs charged to an owner on the
23 ad valorem tax bills of the parish or the municipality.

24 (iv) The contempt fines, other fines, and court costs shall be collected at the
25 same time and in the same manner as ad valorem taxes on property subject to
26 taxation.

27 (v) Contempt fines, other fines, and court costs that have been added to the
28 ad valorem tax bills of Jefferson Parish shall be enforced with the same authority and
29 be subject to the same penalties and procedures as unpaid ad valorem taxes and shall

1 have the same ranking as an ad valorem tax lien on immovable property as provided
2 in R.S. 9:4821(1).

3 (vi) The sheriff of the parish or the appropriate entity that collects taxes shall
4 be reimbursed by the governing authority of the parish in an amount equal to fifteen
5 percent of the amount for contempt fines, other fines, and court costs actually
6 collected from the property owner. The collection charge shall be in addition to such
7 charges for contempt fines, other fines, and court costs and also shall be added to the
8 ad valorem tax bill for such property.

9 (vii) Jefferson Parish shall be the sole and proper defendant in any action
10 authorized by law to contest the addition of such charges for contempt fines, other
11 fines, court costs, and collection to the ad valorem tax bills of the parish. The
12 municipality shall be the sole and proper defendant in any action authorized by law
13 to contest the addition of such charges for contempt fines, other fines, court costs,
14 and collection to the ad valorem tax bills of the municipality.

15 (viii) Notwithstanding any other provision of law to the contrary, including
16 but not limited to R.S. 13:3888, if the owner of any lot containing a derelict building,
17 dwelling, or other structure fails to repair or demolish any such building, dwelling,
18 or structure as required by an order or judgment from a court of competent
19 jurisdiction or if the owner of any lot or structure containing a zoning, property
20 maintenance, or other ordinance violation or violation of state law relative to the
21 property fails to remedy the violation as required by an order or judgment of a court
22 of competent jurisdiction or as a result of an administrative adjudication hearing, all
23 final orders and judgments shall remain enforceable and executory including all
24 contempt fines, other fines, and court costs charged to such owner for failure to
25 comply with such order or judgment that may be added to the ad valorem tax bills
26 by the governing authority of the parish or municipality in accordance with the
27 provisions of this Subparagraph.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Talbot

HB No. 644

Abstract: Provides for the addition of certain ordinance and property violation judgments to the ad valorem tax rolls of Jefferson Parish or the municipalities therein.

Proposed law authorizes Jefferson Parish and the municipalities therein to add to an owner's ad valorem tax bill contempt fines, other fines, and court costs for failure to comply with a final order or judgment directing him to repair or demolish a derelict building.

Proposed law further authorizes the addition to an owner's ad valorem tax bill of contempt fines, other fines, and court costs upon failure to remedy a zoning, property maintenance, or other ordinance violation after being so ordered by a judgment or administrative adjudication hearing.

Proposed law authorizes the governing authorities of Jefferson Parish and the municipalities therein to adopt ordinances to govern the placement of such contempt fines and costs on the owner's tax bill.

Proposed law provides that the fines and costs added to the tax bill shall be collected at the same time and in the same manner as ad valorem taxes on the property in question.

Proposed law provides that the fines and costs added to the tax bill shall be enforced with the same authority and be subject to the same penalties and procedures as unpaid ad valorem taxes.

Proposed law provides that the sheriff or appropriate tax collecting entity will be entitled to a collection fee equal to 15% of the amount of the collected fines and costs. The collection fee shall be in addition to the other fines and costs on the tax bill.

Proposed law provides that the parish shall be the sole and proper defendant in actions to contest the addition of such charges to the ad valorem tax bill. Proposed law further provides that the municipality shall be the sole and proper defendant in any action to contest the addition of such contempt fines and court costs to the ad valorem tax bills of the municipality.

Proposed law provides that in Jefferson Parish and the municipalities therein, all final orders and judgments shall remain enforceable and executory, notwithstanding any other provision of law to the contrary, specifically, the state law relative to nullity of unfiled claims once the property in question has been seized by the sheriff.

(Adds R.S. 33:1236(49)(f))